



# City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council  
City of Norfolk, Virginia

June 24, 2014

FROM: George M. Homewood, AICP CFM, Planning Director

SUBJECT: **The closing, vacating and discontinuing of a portion of 50<sup>th</sup> Street – Visitors of Old Dominion University**

REVIEWED:

Ronald H. Williams, Jr., Assistant City  
Manager

Ward/Superward: 2/6

APPROVED:

Marcus D. Jones, City Manager

Item Number:

PH-1

- I. **Staff Recommendation:** Approval
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Street Closure of a portion of a portion of 50<sup>th</sup> Street beginning 228.71 feet from Hampton Boulevard running eastward along the southern line of 50th Street 218.8 feet.
- IV. **Applicant:** Visitors of Old Dominion University
- V. **Description**
  - The right-of-way to be closed is unimproved and located in the Old Dominion University Village area which is developed with a variety of commercial, institutional and residential uses.
  - The right-of-way will be utilized for recreational amenities and improvements serving nearby residents.
  - The agreed upon purchase price of the right-of-way to be closed, \$21,900, is due to the City Attorney's Office at time of transfer.
- VI. Staff point of contact: Jeffrey Raliski at 664-4766, [jeffrey.raliski@norfolk.gov](mailto:jeffrey.raliski@norfolk.gov)

Attachments:

- Staff Report to CPC dated May 22, 2014 with attachments
- Proponents and Opponents
- Ordinance



# City of NORFOLK

To The City Planning Commission  
City of Norfolk, Virginia

May 22, 2014

From: Jeffrey K. Raliski, AICP, *AKR*  
Long Range Planning Manager

**Subject:** The closing, vacating and discontinuing a portion of 50<sup>th</sup> Street beginning 228.71 feet from Hampton Boulevard running eastward along the southern line of 50th Street 218.8 feet.

Reviewed: Leonard M. Newcomb *LMN*  
Zoning and Land Use Manager

**Ward/Superward:** 2/6

Approved: *[Signature]*  
George M. Homewood, AICP,  
Planning Director

**Item Number:** 9

I. **Recommendation:** Staff recommends approval.

II. **Applicant:** Visitors of Old Dominion University

III. **Description:**

This agenda item is to close an unimproved portion of 50<sup>th</sup> Street beginning 228.71 feet from Hampton Boulevard running eastward along the southern line of 50th Street 218.8 feet.

IV. **Analysis**

- The right-of-way to be closed is located in the Old Dominion University Village area which is developed with a variety of commercial, institutional and residential uses.
- The right-of-way will be utilized for recreational amenities and improvements serving nearby residents.

V. **Financial Impact**

The agreed upon purchase price of the right-of-way to be closed, \$21,900, is due to the City Attorney's Office at time of transfer.

VI. **Environmental**

Closure of this unimproved right-of-way will not create additional traffic in adjacent neighborhoods.

**VII. Community Outreach/Notification**

- Legal notice was posted on the property on April 15.
- Letter was mailed to the Highland Park Civic League President on April 25.
- Letters were mailed to all property owners within 300 feet of the property on May 7.
- Notice was sent to the civic leagues by the Department of Communications and Technology on May 7.
- Legal notification was placed in *The Virginian-Pilot* on May 8 and 15.

**VIII. Coordination/Outreach**

This letter has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Location Map
- Zoning Map
- Letter to the Civic League

**PROPONENTS**

Stacey Vellines  
4401 Powhatan Avenue  
Norfolk VA 23508

**OPPONENTS**

None

mr4/8/14

Form and Correctness Approval

Contents Approved:

By

Office of the City Attorney

NORFOLK, VIRGINIA

By

DEPT.

**ORDINANCE No.**

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING A PORTION OF 50<sup>TH</sup> STREET AND AUTHORIZING THE CONVEYANCE TO THE ABUTTING PROPERTY OWNER OF ANY INTEREST THE CITY MAY HAVE IN THE UNDERLYING FEE OF SAID PORTION OF 50<sup>TH</sup> STREET, CONTINGENT UPON THE SATISFACTION OF CERTAIN CONDITIONS.

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WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, the City Council has the authority to close, vacate and discontinue public rights of way; and

WHEREAS, the City of Norfolk has received an application from Old Dominion University, for the closure of the southern thirty (30) feet of 50<sup>th</sup> Street from 228.71 feet from Hampton Boulevard running eastward along the southern line of 50<sup>th</sup> Street 218.8 feet, as more particularly described in Exhibit A and shown on Exhibit B, both of which are attached to and made a part of this ordinance; and

WHEREAS, after a public hearing, the City Planning Commission recommended that the said portion of 50<sup>th</sup> Street be closed, vacated and discontinued; and

WHEREAS, Old Dominion University, the owner of the property that abuts the portion of 50<sup>th</sup> Street to be closed, has agreed to the closure of the said portions of the streets and has agreed to pay the value of the portions of the streets closed; and



WHEREAS, pursuant to Section 15.2-2008 of the Code of Virginia, 1950, as amended, and Section 42-212 of the Norfolk City Code, 1979, the City and Old Dominion University, have agreed that the sum of \$21,900.00 is a fair price for the City's interest in that portion of 50<sup>th</sup> Street to be closed; and

WHEREAS, the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended, which relate to the vacation of public rights of way, have been met; and

WHEREAS, it is the judgment of the Council that the said portion of 50<sup>th</sup> Street is not needed for public use and travel and should be closed, vacated and discontinued, contingent upon the satisfaction of certain conditions hereinafter set forth; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the southern thirty (30) feet of 50<sup>th</sup> Street from 228.71 feet from Hampton Boulevard running eastward along the southern line of 50<sup>th</sup> Street 218.8 feet, as more particularly described in Exhibit A and shown in Exhibit B, attached hereto, is closed, vacated and discontinued as a public street of the City of Norfolk, contingent upon the satisfaction of each of the following conditions:

1. Old Dominion University shall verify the existence of any private utilities within the right of way to be closed and, if private utilities do exist, Old Dominion University shall ensure that an easement or easements satisfactory to the affected utility company or companies are provided or other satisfactory arrangements made.

2. Old Dominion University shall ensure that any utility of other easement required by

the City is dedicated to the City in recordable form satisfactory to the City Attorney.

3. Old Dominion University shall pay to the City the sum of \$21,900.00, the agreed price for the City's interest in the portion of 50<sup>th</sup> Street to be closed.

4. Old Dominion University shall pay to the City all costs associated with the publishing of the notice required by Section 15.2-2006 of the Code of Virginia, 1950, as amended.

Section 2:- That if the conditions set forth above have not been fully met within one year of the effective date of this ordinance, then this ordinance shall not be recorded and the closure of the portion of 50<sup>th</sup> Street described in Exhibit A shall be considered null and void without further action by City Council.

Section 3:- That if all the above conditions have been fully met within one year of the effective date of this ordinance, then this ordinance shall be recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, which recordation shall be an acknowledgement by the City that all conditions have been met, and upon such recordation, the portion of 50<sup>th</sup> Street described herein shall be deemed closed, vacated and discontinued as public streets of the City of Norfolk.

Section 4:- That it is the intent of the Council that any interest the City may have in the underlying fee of said portion of 50<sup>th</sup> Street shall transfer to the abutting property owner, Old Dominion University, and the proper officers of the City are authorized to do all things necessary, including the delivery of a quitclaim deed or deeds, in form satisfactory to the City Attorney, to effect the transfer to Old Dominion University of any interest the City may have in the underlying fee of the said portion of 50<sup>th</sup> Street.

Section 5:- That this ordinance shall be in effect from and after thirty (30) days from the date of its adoption.

**Closure of a Portion of 50<sup>th</sup> Street Containing 0.1525 Acre**

Beginning at a point on the southern right-of-way line of 50<sup>th</sup> Street being 228.71 feet east of Hampton Boulevard as shown on the certain plat entitled, "Exhibit A Street Closure Plat of a portion of 50<sup>th</sup> Street adjacent to Hampton Boulevard," on sheet 13 of a 14 sheet instrument recorded in Instrument Number 080030113, in the Clerk's Office of the Circuit Court of Norfolk, Virginia; thence, N 86°11'15" E, 224.01 feet to a point; thence, S 03°48'45" E, 30.00 feet to a point on said southern right-of-way line of 50<sup>th</sup> Street; thence, westwardly along said southern right-of-way line of 50<sup>th</sup> Street, S 86°11'15" W, 218.80 feet to the point of beginning.

The above-described parcel contains 0.1525 acre of land, more or less.

*January 15, 2014*





50th Street at Rogers Hall  
Old Dominion University  
Norfolk, Virginia



**Location Map**

**VISITORS OF OLD DOMINION UNIVERSITY**



0 10 20 40  
Feet





# Zoning Map

IN-1

VISITORS OF OLD DOMINION UNIVERSITY

HAMPTON BOULEVARD

C-2

R-15

49TH STREET

49TH STREET

HAMPTON BOULEVARD

C-2

R-15

48TH STREET

C-2

R-15

0 35 70 140 Feet







April 25, 2014


Mr. T. Dale Ryder  
President, Highland Park Civic League  
824 W. 49th Street  
Norfolk, VA 23508

Dear Mr. Ryder:

The Planning Department has received an application from the Visitors of Old Dominion University to close, vacate and discontinue a portion of 50<sup>th</sup> Street. This item is tentatively scheduled for the May 22, 2014 City Planning Commission public hearing.

If you would like additional information on the request, you may contact the applicant at (757)-683-4552 or Jeff Raliski in the Planning Department at (757) 664-4766. A copy of the complete application is enclosed.

Sincerely,

  
George M. Homewood, AICP, CFM  
Planning Director

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